

## **REMARKS**

The Examiner indicated that claims 23, 29, and 35 were allowable if placed in independent form. This has been done.

The Examiner rejected claims 21-22, 24-25, 28, and 31-33 under 35 U.S.C. §103 as unpatentable over Ohkubo in view of Tomio further in view of Ichiki. Claims 26-27, 30, 34 and 36 were rejected under 35 U.S.C. §103 as unpatentable over Ohkubo in view of Tomio, further in view of the Ichiki, further view of Mucha.

All of the claim rejections are avoided since in all of the rejections Ohkubo is the primary reference, and Ohkubo is not prior art for the following reasons.

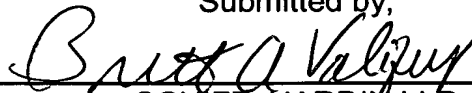
Ohkubo is cited under 35 U.S.C. §102(e) as of its U.S. filing date, October 1, 2003. However, for 35 U.S.C. §102(e), pursuant to the WTO provisions Applicant is entitled to rely on acts in a foreign country as their invention date (Ohkubo is not statutory bar type prior art in view of its July 12, 2005 issue date and April 8, 2004 publication date, dates which are not more than one year before the U.S. filing date of December 17, 2003).

The inventor conceived and reduced to practice at least as early as August 28, 2001, which is well before the October 1, 2003 Ohkubo U.S. filing date. This invention date and reduction to practice is proven by the attached Offenlegungsschrift DE 191 41 995, which was the original application corresponding to the instant U.S. case. The conception is proven by the content of the application and reduction to practice is constructive in view of the filing of

the German application in the German Patent Office. Thus, Ohkubo is removed as a reference.

In view of the above it is respectfully requested that this case be passed to issue.

Submitted by,



(Reg. 28,982)

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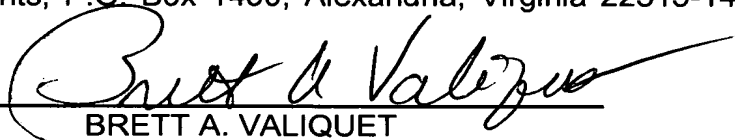
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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on October 18, 2005.



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